

Appl. No. 10/657,595  
Docket No: 14406US03  
Resp. dtd. June 13, 2007  
Reply to Notice of March 19, 2007

## **REMARKS**

### **Preliminary Remarks**

This document is in response to the Notice of Non-Compliant Amendment mailed on March 19, 2007. In reply to the Response filed on March 9, 2007 by the Applicants, the Notice states, "The listing of claims does not include the text of all pending claims (including withdrawn claims)." The present Response is identical to the Response filed on March 9, 2007 amended to include the text of withdrawn claims. The Applicants respectfully submit that the response is now compliant.

### **Repeat of March 9, 2007 Remarks**

Claims 30-43 were pending in the present application, of which claims 30-33, 37-41 and 43 have been withdrawn from consideration without prejudice, and to which claims 44-52 have been added by the current amendment.

Former claims 30-43 stand subject to an election/restriction requirement.

The Office Action states that claims 30-33 are directed to a patentably distinct Species 1. Though the Applicants traverse the election/restriction requirement, claims 30-33 have been withdrawn from consideration by the present amendment without prejudice.

The Office Action states that claims 34-36 and 42 are directed to a patentably distinct Species 2. Though the Applicants traverse the election/restriction requirement, the Applicants hereby elect Species 2 for continued prosecution on the merits. As stated in the Office Action, Species 2 includes claims 34-36 and 42. Note that claims 34-36 and 42 have been amended by the present amendment, so various characterizing statements in the Office Action regarding Species 2 no longer apply. Additionally, as will be discussed below, the Applicants submit that new dependent claims 44-52 are also included in the elected species and respectfully request examination on the merits with regard to such claims.

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The Office Action states that claim 37 is directed to a patentably distinct Species 3. Though the Applicants traverse the election/restriction requirement, claim 37 has been withdrawn by the present amendment without prejudice.

The Office Action states that claims 38 and 39 are directed to a patentably distinct Species 4. Though the Applicants traverse the election/restriction requirement, claims 38-39 have been withdrawn from consideration by the present amendment without prejudice.

The Office Action states that claims 40, 41 and 43 are directed to a Species 5. Though the Applicants traverse the election/restriction requirement, claims 40, 41 and 43 have been withdrawn from consideration by the present amendment without prejudice.

As mentioned previously, the present amendment adds new claims 44-52, which each depend directly or indirectly from independent claim 34 of the elected species. The Applicants submit that each of such claims belong to the same species as independent claim 34 and respectfully request that new claims 44-52 be prosecuted on their merits.

The Office Action makes various statements characterizing various alleged species and their respective claims that are now moot in light of the previous amendments and discussion. Accordingly, the Applicants will not address such statements at the present time. The Applicants neither agree nor disagree with such statements and expressly reserve the right to challenge such statements in the future should the need arise (*e.g.*, if such statements should re-appear in a rejection of a pending claim).

To advance prosecution on the merits, the Applicants invite the Examiner to contact the undersigned to discuss the election/restriction requirement or the pending claims. For example, should the Examiner disagree that the remaining claims are of the same species, the Applicants invite the Examiner to contact the undersigned to expeditiously resolve the disagreement, for example, by Examiner amendment.

In summary, the Applicants assert that the present pending claims are in condition for examination and allowance and courteously solicit an expeditious Notice of Allowability with respect to all pending claims. If the Examiner disagrees or has

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questions regarding this submission, the Applicants respectfully requests that the Examiner telephone the undersigned at 312-775-8000.

The Commissioner is hereby authorized to charge additional fees or credit overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Dated: June 13, 2007

Respectfully submitted,

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